

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

December 19, 2019

1. **CALL TO ORDER** 7:00 p.m. (County Commission Chamber Room, Main Floor)
  - a. Roll Call (Commissioners L. Munns, D. Larsen, K. McGaha, M. Udy, B. Robinson, M. Wilding and J. Holmgren)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the November 21, 2019 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
  - a. **DAVIS REZONE, Z19-009**, Request modified by applicant and sent back by County Commission. Modified request is for a re-zone from C-G to RR-2 for 4 acres consisting of Lots 1 and 2 of the Andersen Bullavard Subdivision located at approximately 1180 & 1240 West 7800 South in the South Willard area of Unincorporated Box Elder County. **ACTION**
6. **PUBLIC HEARINGS**
  - a. **NONE**
7. **NEW BUSINESS**
  - a. **WOOD EVENT BARN SITE PLAN, SP19-005**, Request for approval for an event barn located at approximately 9690 North 6800 West in Unincorporated Box Elder County. **ACTION**
  - b. **BROOKSIDE RANCHES SUBDIVISION, SS19-037**, Request for preliminary approval for a 20-Lot subdivision located at approximately 13300 North East Garland Road (4400 West) in Unincorporated Box Elder County. **ACTION**
  - c. **JENSEN AGRICULTURAL SUBDIVISION, AS19-008**, Request for approval for splitting off a home from agricultural land located at approximately 12030 West 8000 North in Unincorporated Box Elder County. **ACTION**
  - d. **CUMMINGS AGRICULTURAL SUBDIVISION, AS19-009**, Request for approval for dividing agricultural land located at approximately 4564 North 6800 West in Unincorporated Box Elder County. **ACTION**
  - e. **CUMMINGS AGRICULTURAL SUBDIVISION, AS19-010**, Request for approval for dividing agricultural land located at approximately 4598 North 6800 West in Unincorporated Box Elder County. **ACTION**
  - f. **CUMMINGS AGRICULTURAL SUBDIVISION, AS19-011**, Request for approval for dividing agricultural land located at approximately 4636 North 6800 West in Unincorporated Box Elder County. **ACTION**
8. **WORKING REPORTS**
  - a. **NONE**
9. **PUBLIC COMMENT**
10. **ADJOURN**\_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES NOVEMBER 21, 2019

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The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present by a roll call, constituting a quorum:

|                  |            |   |                   |
|------------------|------------|---|-------------------|
| <i>Roll Call</i> |            | <i>the following Staff was present:</i> |                   |
| Laurie Munns     | Chairman   | Scott Lyons                             | Comm Dev Director |
| Mellonee Wilding | Vice-Chair | Marcus Wager                            | County Planner    |
| Kevin McGaha     | Member     | Steve Hadfield                          | County Attorney   |
| Michael Udy      | Excused    | Jeff Scott                              | Commissioner      |
| Desiray Larsen   | Excused    | Diane Fuhriman                          | Excused           |
| Bonnie Robinson  | Member     |   |                   |
| Jared Holmgren   | Member     |   |                   |

**Chairman Laurie Munns** called the meeting to order at 7:00 p.m.

The Invocation was offered by **Commissioner Laurie Munns**.  
Pledge was led by **Commissioner Jared Holmgren**.

### **The following citizens were present & signed the attendance sheet**

See Attachment No. 1 – Attendance Sheet.

The Minutes of the October 22, 2019 meeting were made available to the planning commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** to approve the minutes as written. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to approve the November 21, 2019 agenda. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

### **UNFINISHED BUSINESS - NONE**

### **PUBLIC HEARINGS**

Chairman Laurie Munns explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. In the meeting there is also unfinished business, public hearings, and new business. The unfinished business and new business provides opportunity for the commissioners to take action on an item. It is not a time for public comment or input. Although the commissioners may ask questions of the applicant during these times.

**DAVIS REZONE, Z19-009, Request for a rezone from A-20 to RR-2 for 18 acres on the North part of parcel #: 01-041-0037 at approximately 7750 South 1100 West in the South Willard area of Unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting that parcels 01-041-0033, 0034, 0037 be rezoned from the A-20 (Agriculture 20 acres) and C-G (General Commercial) zones to the RR-2 (Rural Residential 2 acres) zone. This area totals about 19 acres. Approximately three years ago the applicant requested the same area be rezoned to the same RR-2 zone. At that time the Planning Commission recommended denial to the County Commission. At the County Commission level, the rezone to RR-2 was approved along the area of 7800 South so up to 6 lots could be subdivided along the roadway. About one year ago the applicant requested lots 1 and 2 of the 3-lot subdivision be rezoned to commercial. The applicant is now requesting the same zoning they applied for three years ago for the entire parcel to be zoned RR-2.

Staff said the applicant has requested the following be read into the minutes: Bob and Ronda Davis feel this is a good blend *<between 20 acre Agriculture and the half-acre residential>* and would keep it rural. They do not have any plans other than they would rather build on 1100 West vs. 7800 South.

The public hearing was then opened for comments.

John Larkin, South Willard, stated residents of South Willard had a meeting years ago and agreed that houses and residential areas would be on the east side of the railroad and freeway and all the agricultural land would stay in the A-20 zone. He owns most of the ground in the area and has a large feed yard and pours a lot of money into Box Elder County with buying cattle and feed. He said Anderson Livestock is across the road from this property and is the only livestock yard in the northern area. Mr. Larkin said he feeds a lot of cattle on a year-round basis and he does not want any of the ground out of the A-20 zone. He feels it is not a good place to build houses.

Hearing no further comments a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Davis Rezone, Z19-009. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

**ACTION**

Staff explained the four approval standards for zoning map amendments from the Box Elder County Land Use Ordinance are as follows:

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The South Willard Community Plan created in 2006, addresses this area as A-20 and does not recommend anything other than this zoning designation for the future. The County's General Plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The area has some dispersed housing units, commercial (livestock auction), but is mainly agricultural. Whether the proposed amendment is harmonious with the overall character of existing development is subjective. This point could be argued saying yes, it is harmonious due to there being R-1-20 zoning just across I-15. The RR-2 zoning could be a bridge from A-20 to R-1-20.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** and The proposed amendment should not affect the values of adjacent property.

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** To staff's knowledge there is no culinary water system west of I-15. Water would either need to be provided by well or new infrastructure developed for the South Willard Water system. There would need to be sufficient culinary water to serve approximately 12 residences. Any development would be on septic systems as is the norm in unincorporated county. Fire protection would be dependent on water infrastructure. It would either require hydrants on new water lines or sprinkler suppression systems in individual homes.

**Commissioner Bonnie Robinson** said since there is no water there, fire protection is a big concern. She asked if they would have to put a sprinkler system in or somehow put a water system in to have a fire hydrant. Staff said that would default to the fire marshal who would make that decision. Staff's understanding is it depends on the size of the subdivision. State code exempts one-lot subdivisions from the fire sprinkler requirement, but any subdivision over one lot, if there is not a fire hydrant within 500 ft. that can supply the necessary flow, then fire sprinklers are required. In this location there is no culinary water system. The South Willard Water system does not go west of the interstate, so that water system would need to be expanded or sufficient well water would need to be supplied.

**Commissioner Laurie Munns** stated previously this year there was a home in question on the west side of the interstate. The Planning Commission checked with South Willard Water Company to see what their intent was with water in South Willard and found there were no plans to move water across the interstate at that time. She asked the commissioner to keep this in mind as they discuss this rezone.

**Commissioner Bonnie Robinson** feels the area is not a place for houses where it is across from a livestock yard.

**Commissioner Mellonee Wilding** stated this is the same thing the commission looked at years ago and it keeps coming back in different forms. She thinks the water is the biggest issue and does not think it is wise to approve where there could potentially be 12 homes and no water.

Staff said in order for the 3-lot subdivision to be approved the applicant had to go to the Division of Water Rights and do a change of use and have some of his irrigation and stock water rights changed to domestic use. He would need to go through the same procedure again for the 12 lots.

**Commissioner Laurie Munns** said the commission also needs to consider the South Willard Community Plan which was done in 2006 and is still in effect today.

**Commissioner Kevin McGaha** said the Box Elder County General Plan contemplates that it will incorporate the South Willard Community Plan. If the general plan does not envision that kind of development at this point, he thinks the zone should be kept as is.

**MOTION:** A Motion was made by **Commissioner Mellonee Wilding** to forward a recommendation of denial to the County Commission for Application Z19-009, a zoning map amendment from the A-20 and C-G zone to RR-2 zone based on the following findings of the staff report. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

**FINDINGS:**

1. The facilities and services are inadequate.
2. It violates the South Willard Community Plan.
3. Public comment indicates the citizens do not want the zone changed.

**NEW BUSINESS**

**MILLER FARM SUBDIVISION, S19-038, Request for final approval for a 6-lot subdivision located at approximately 17220 North 6000 West in Unincorporated Box Elder County.**

**ACTION**

Staff said a similar subdivision came before the commission two years ago and received approval. The subdivision was recorded and platted then due to circumstances from the landowner, the plat was vacated. The landowner sold the land as one large parcel. The party who bought the parcel has submitted a new application for a subdivision similar to what was there before with some of the lot lines being slightly shifted. All departments have reviewed the subdivision and the plat has been revised to meet the requirements of the surveyor, engineer, and fire marshal. The proposed subdivision is six lots ranging in size from 3.17 to 5.5 acres. Staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve Application SS19-038, a final plat for the Miller Farm Subdivision and adopting the conditions and findings of the staff. The motion was seconded by **Commissioner Mellonee Wilding** and unanimously carried.

**CONDITIONS:**

1. Compliance with all the comments from County Staff.
2. Submittal of a current title report, septic letter, and improvement estimate.
3. Final approval of the plat and development agreement by County Commission.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
5. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
6. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**ALLRED AGRICULTURAL SUBDIVISION, AS19-005, Request for approval for splitting off a home from agricultural land located at approximately 3101 West 1000 North in Unincorporated Box Elder County. ACTION**

Staff explained there is currently a home on the property that was split off by deed only. By splitting the home off the agricultural subdivision, the rest of the parcel would remain agricultural and both parcels would be legal. This subdivision would create a residential parcel about 2.34 acres in size. The request meets all of the requirements of Utah State Code Section 17-27a-605 (1)(b) and 17-27a-605(5)(a). If the commission approves the request a certificate of approval will be issued to be recorded to break off the residential parcel.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to approve Application AS19-005, an agricultural subdivision with a single family dwelling and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Mellonee Wilding** and unanimously carried.

**ALLRED AGRICULTURAL SUBDIVISION, AS19-006, Request for approval for dividing agricultural land from one parcel into two located at approximately 3101 West 1000 North in Unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting an agricultural subdivision to separate 9.9 acres off a larger parcel to create two agricultural parcels. This request also meets all of the requirements of Utah State Code Section 17-27a-605 (1)(b) and 17-27a-605(5)(a). This process would create a legal agricultural parcel. Staff recommends approval.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve Application AS19-006, an agricultural subdivision and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

**FREHNER AGRICULTURAL SUBDIVISION, AS19-007, Request for approval for dividing agricultural land from one parcel into two located at approximately 3398 North 6000 West in Unincorporated Box Elder County. ACTION**

Staff stated the applicant is requesting an agricultural subdivision to separate 25.01 acres off a larger parcel located in an un-zoned area of Unincorporated Box Elder County, west of the Walmart Distribution Center. This process would create a legal agricultural parcel. The proposed agricultural subdivision meets the standards set forth in state code. Staff recommends approval of the application.

**MOTION:** A Motion was made by **Commissioner Mellonee Wilding** to approve Application AS19-007, an agricultural subdivision, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Kevin McGaha** and unanimously carried.

**ROCKET SOLAR LLC SITE PLAN, SP18-005, Request for an extension of approval for a solar farm located at approximately Golden Spike Dr. and HWY 83 in Unincorporated Box Elder County. ACTION**

Staff explained the applicant is requesting an extension of approval for a site plan approved on January 17, 2019. There are two time frames to be worked within. The site plan has to be started within a year of approval and substantially completed within two years. The applicant would like to extend both time frames. The Box Elder County LUM&DC Section 2-2-040-I allows for extension of times as follows:

*“Unless otherwise prohibited by this Code, upon written request and for good cause shown, any decision-making body or official having authority to grant approval of an application may, without any notice or hearing, grant an extension of any time limit imposed by this Code on such application, its approval, or the applicant. The total period of time granted by any one (1) or more extensions for a given application shall not exceed twice the length of the original time period.”*

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to approve Application SP18-005, a site plan extension for a solar farm and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Mellonee Wilding** and unanimously carried.

**CONDITIONS:**

1. Rocket Solar provide appropriate warning signage placed at the entrance and perimeter of the solar power plan project.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

**ADJOURN**

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to adjourn commission meeting. The motion was seconded by **Commissioner Mellonee Wilding** and meeting adjourned at 7:53 p.m.

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Laurie Munns, Chairman  
Box Elder County Planning Commission



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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: Dec. 19, 2019

Agenda Item #: 5a

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**Application Type:**

Zoning Map Amendment

**APPLICANT(S):**

Bob & Ronda Davis

**PROJECT #:**

Z19-009

**ADDRESS:**

1100 West 7800 South in  
the South Willard area

**PARCEL #:**

01-041-0033 and -0034

**CURRENT ZONE:**

C-G (General Commercial)

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting that parcels 01-041-0033 and -0034 be re-zoned from the C-G (General Commercial) zone to RR-2 (Rural Residential 2 acres) zone. This area totals four acres. Almost three years ago the applicant requested the same area be rezoned to the same RR-2 zone. The Planning Commission forwarded a recommendation of denial to the County Commission. The recommendation was based on public input as well as the zoning designation in the South Willard Community Plan. The County Commission went on to approve the rezone of approximately 15 acres (half the original requested acreage) along the 7800 South frontage to the RR-2 zone. Four of those 15 acres were subsequently rezoned to C-G (Commercial General) in 2018.

**ANALYSIS**

**County Code:**

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone for his/her property subject to zoning map amendment approval by the County Commission with a recommendation from the Planning Commission.

**Surrounding Land Use and Zoning:**

| <u>Direction</u> | <u>Land Use</u>                | <u>Zoning</u> |
|------------------|--------------------------------|---------------|
| North            | Agricultural/Rural Residential | A-20          |
| South            | Agricultural/Commercial        | A-20          |
| East             | I-15                           | RR-2          |
| West             | Agricultural                   | RR-2          |

**Land Use Ordinance Standards Review:**

Box Elder County Land Use Management & Development Code section 2-2-080-E outlines the following standards for review for zoning map amendments.

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;**

*The South Willard Community Plan addresses this area as A-20 and does not recommend anything other than this zoning designation for the future. The County's General Plan states that future land use*





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*decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.*

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;**

*The area has some dispersed housing units, commercial (livestock auction), but is mainly agricultural. Whether the proposed amendment is harmonious with the overall character of existing development is subjective. This point could be argued saying yes, it is harmonious due to there being R-1-20 zoning just across I-15. The RR-2 zoning could be a bridge from A-20 to R-1-20.*

**C. The extent to which the proposed amendment may adversely affect adjacent property; and**

*The proposed amendment shouldn't affect the values of adjacent property.*

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

*The applicant has three EDU (Equivalent Domestic Units) of well water assigned for culinary use. This water was required as part of the subdivision process for the Andersen Bullavard Subdivision. Any development would be on septic systems as is the norm in unincorporated county. Fire protection would be dependent on water infrastructure. It would either require hydrants on new water lines or sprinkler suppression systems in individual homes.*

**FINDINGS:**

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from C-G (General Commercial) to RR-2 (Rural Residential 2 acres) and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties subject to zoning map amendment review procedures and approval.
2. The RR-2 zone isn't included as a future zone in the South Willard Community Plan.
3. The South Willard Community Plan is not required to be enforced.
4. This application is for a rezone from C-G to RR-2.

**RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, the Planning Commission should forward a recommendation to the County Commission. As this is a legislative decision additional information may be taken into account such as public input, resident preferences, private property rights, economic considerations, etc.

If a recommendation of approval is forwarded to the legislative body staff recommends it be subject to



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the following conditions:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z19-009, a zoning map amendment from the C-G (General Commercial) zone to RR-2 (Rural Residential 2 acres) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table the review of application number Z19-009, a zoning map amendment from the C-G (General Commercial) zone to RR-2 (Rural Residential 2 acres) zone to (give date), based on the following findings:”

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z19-009, a zoning map amendment from the C-G (General Commercial) zone to RR-2 (Rural Residential 2 acres) zone based on the following findings:”

1. List findings for denial...

Please feel free to contact Scott Lyons at 435-734-3316 if you have any questions.

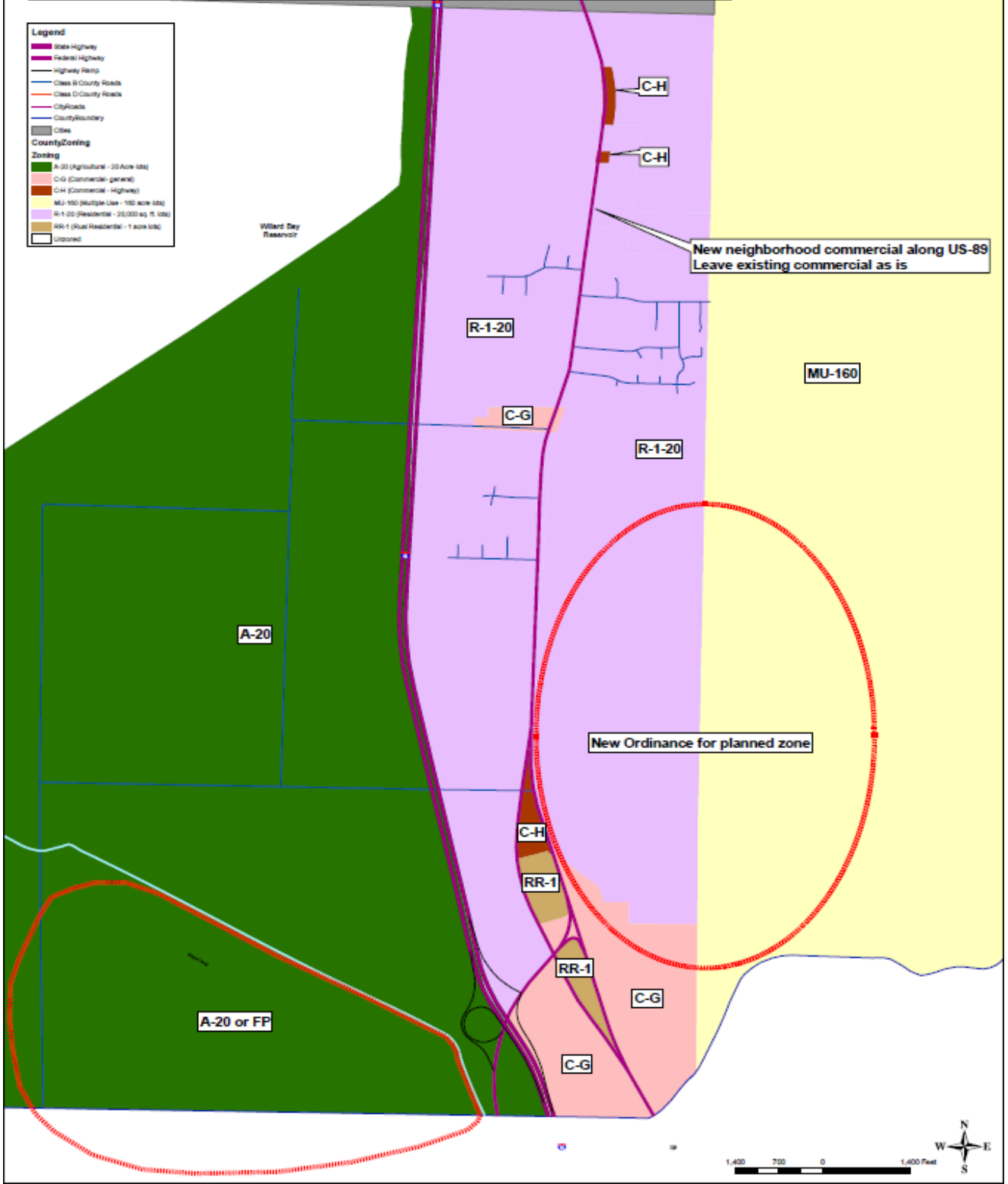
### Map A: South Willard Community Plan - Zoning Options

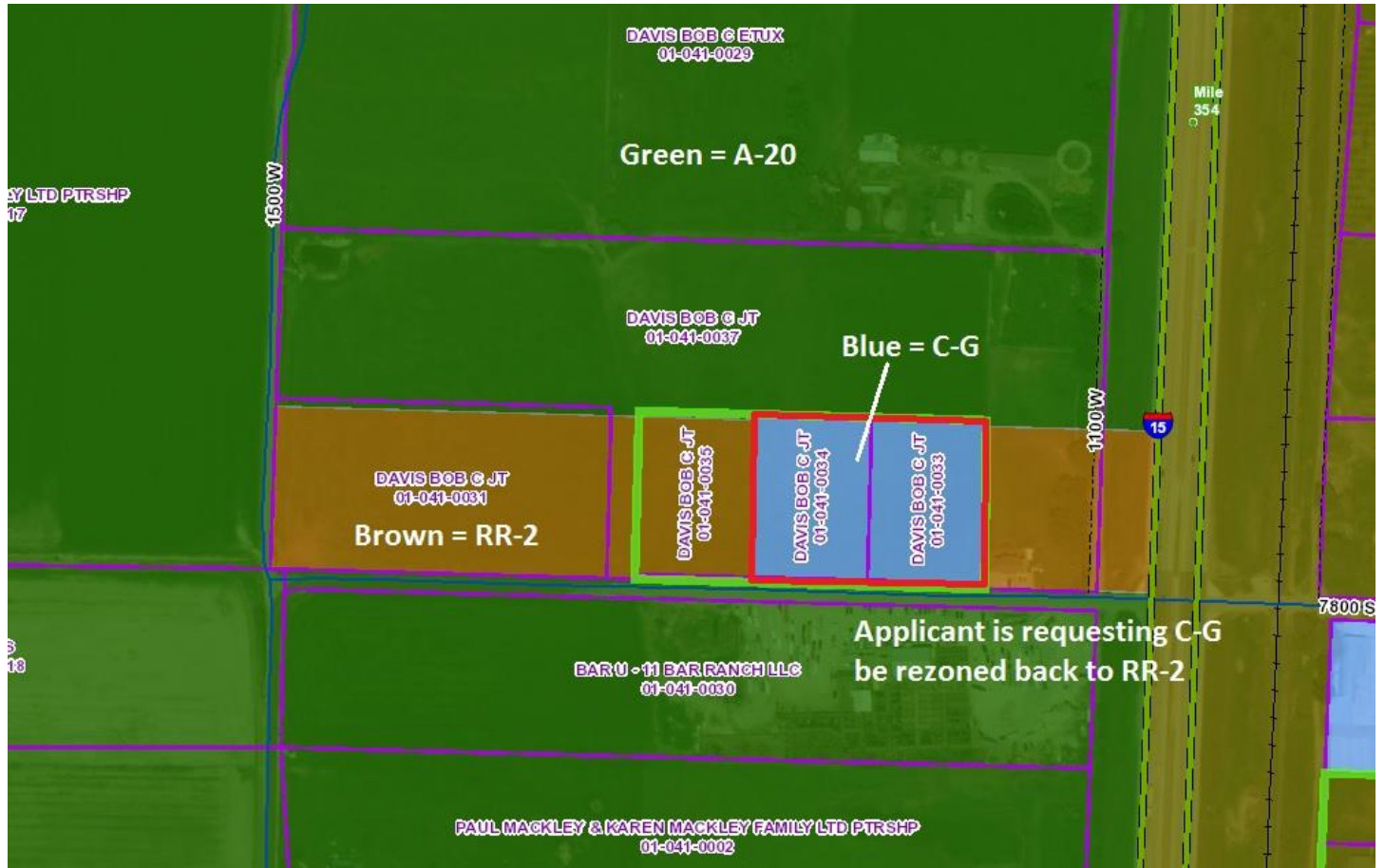
**Legend**

- State Highway
- Federal Highway
- Highway Road
- Class B County Roads
- Class C County Roads
- City Roads
- County Boundary
- City
- County Zoning

**Zoning**

- A-20 (Agriculture - 20 acre lots)
- C-G (Commercial - general)
- C-H (Commercial - highway)
- MU-160 (Multiple Use - 160 acre lots)
- R-1-20 (Residential - 20,000 sq. ft. lots)
- RR-1 (Rural Residential - 1 acre lots)
- Unzoned







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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: December 19, 2019

Agenda Item #: 7a

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**Application Type:**

Site Plan review for  
Wood Event Barn

**APPLICANT(S):**

Courtney & Kelly Wood

**PROJECT #:**

SP19-005

**ZONE:**

Un-Zoned

**PARCEL #:**

05-199-0002

**TYPE OF ACTION:**

Administrative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The applicant is requesting Site Plan approval for an event barn on approximately 2 acres located at approximately 9790 North 6800 West on Parcel: 05-199-0002.

*Surrounding Land Use and Zoning:*

| <u>Direction</u> | <u>Land Use</u> | <u>Zoning</u> |
|------------------|-----------------|---------------|
| North            | Agriculture     | Un-Zoned      |
| South            | Agriculture     | Un-Zoned      |
| East             | Agriculture     | Un-Zoned      |
| West             | Agriculture     | Un-Zoned      |

**ANALYSIS**

**County Code:**

**Land Use Ordinance Standards Review:**

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows event barns as a commercial use in un-zoned areas as a permitted use subject to Site Plan approval. Section 2-2-090 outlines the following standards for approval for permitted uses.

**A. The proposed use shall be allowed as a permitted use in the applicable zone. Yes**

**B. The proposed use shall conform to development standards of the applicable zone. Yes**

**C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. Yes.**

**D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. Yes.**

**E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval. N/A**

**Setbacks:**

*The proposed event barn meet setbacks in for Un-Zoned areas.*

**Access:**

*Access to the property is obtained on 6800 West.*



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### County Department Review:

*All applicable County departments have reviewed this application and have not further comments.*

### **FINDINGS:**

Based on the analysis of the Site Plan application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for commercial uses in the un-zoned areas which are approved by the Planning Commission through a Site Plan review.
2. The Site Plan will conform to all requirements within the Box Elder Land Use Management and Development Code with the conditions outlined in the recommendations section of the staff report.

### **RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE the site plan** subject to the following conditions:

1. Compliance with all comments from Box Elder County Staff.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve application number SP19-005, a Site Plan for an event barn, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

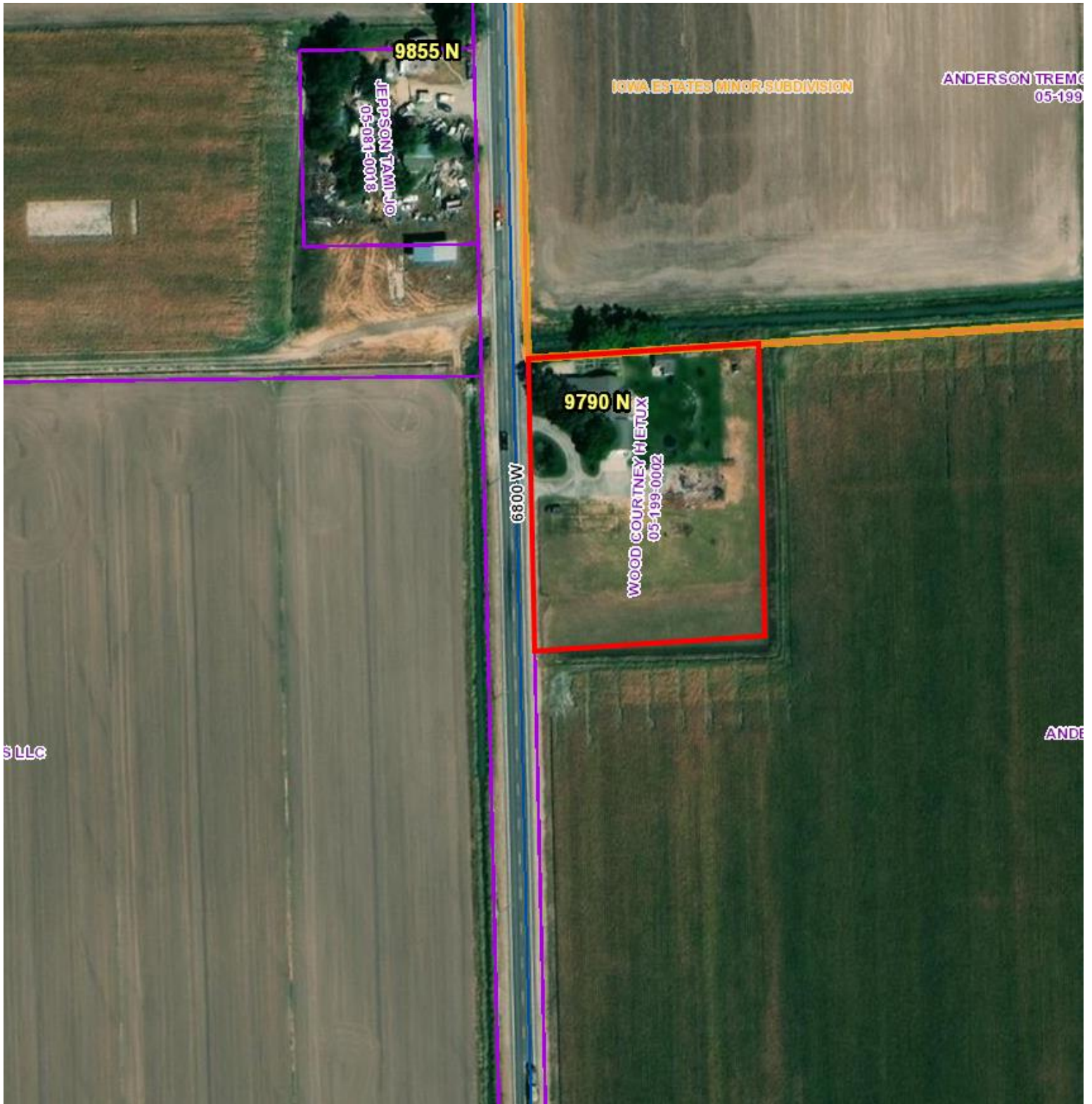
**Table** – “I move the Planning Commission table the review of application number SP19-005, a Site Plan for an event barn, to (give date), based on the following findings:”

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission deny application number SP19-005, a Site Plan for an event barn, based on the following findings:”

1. List findings for denial...

Please feel free to contact Marcus Wager at 435-734-3308 if you have any questions.









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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: November 21, 2019

Agenda Item #: 7b

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**Application Type:**

Subdivision - Preliminary

**APPLICANT(S):**

Vance Smith

**PROJECT #:**

SS19-037

**ADDRESS:**

13300 North East Garland Road (4400 West)

**ZONE:**

Un-Zoned

**PARCEL #:**

06-053-0020, -0028, -0013, -0014, 06-040-0006

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting preliminary approval of the Brookside Ranches Subdivision plat. The proposed subdivision is 20 lots ranging in size from 0.75 to 8.57 acres and totals 39 acres in size.

**ANALYSIS**

**County Code:**

Land Use Management & Development Code 6-1-190 requires the subdivision of property receive final approval from the Box Elder County Commission with prior approval from the Planning Commission.

**Surrounding Land Use and Zoning:**

| <u>Direction</u> | <u>Land Use</u>        | <u>Zoning</u> |
|------------------|------------------------|---------------|
| North            | Rural Residential      | Un-zoned      |
| South            | Agriculture            | Un-zoned      |
| East             | Agriculture/Bear River | RR-2          |
| West             | Rural Residential      | Un-zoned      |

**Access:**

Access to all lots will be via East Garland Road a county road. Based on the proposed layout a bridge crossing the large canal to the east of the road must be constructed. Per the County Roads Supervisor this bridge must be H20 load rated and 40-50 feet in width for a 10 wheeler plow to turn and cross it. It must also be approved by the Bear River Canal Company. The new roads in the development qualify for both road

standard #3 and #4. The developer would like to build #3. The Road Supervisor has requested #4. (standards are attached at end of report)

**Utilities:**

The letters for utilities have not yet been submitted.

**Setbacks:**

All setbacks for this un-zoned area can be met. Setbacks will be reviewed and enforced during the building permit process.

**Land Use Ordinance Standards Review:**

Box Elder County Land Use Management & Development Code Article 6 outlines the requirements for subdivision review.



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### County Department Reviews:

- Roads
  - The Roads Supervisor has requested the new roads be constructed to county standard #4 (30 feet of asphalt with 2.5 foot roll gutter on both sides).
  - As stated in “Access” above the bridge entering the subdivision off East Garland Road must be 40-50 feet wide, H20 load rated, and approved by the Bear River Canal Company.
- Fire
  - Proposed hydrants must be shifted so the first hydrant is on the corner of proposed 13300 North and East Garland Road, then spaced every 1000 feet thereafter to ensure no lot is more than 500 feet from a hydrant.
- Surveyor/Engineer
  - The Engineer’s main concerns are storm water drainage. The proposed detention basin is in the FEMA flood zone. The developer needs to ensure the bottom of the basin is above the highest historic groundwater elevation.
  - The road alignment is drawn running downhill into the cul-de-sac. The County standards do not permit a cul-de-sac at the lower end of a road unless adequate drainage and 100 year storm overflow is provided. This will need to be approved by the County Planning Commission and County Engineer.
  - Whether there are cobbled swales or curb & gutter at the end of the proposed cul-de-sac, there needs to be some kind of protection for property owners if there is a significant storm event. When curb & gutter is used, a storm drain inlet box grate can get plugged with leaves and the storm water could over top the curb. Double inlet box may be required in this situation. In either situation, a cobbled swale will need to be constructed to convey water away from homes and so the water doesn’t cut its own channel to the river.
  - Part of the road alignment is drawn over an area where the contours show the slope to be 19%, 23%, 12%, 8% and less. Keep in mind that County standards only allow 10% maximum slope (500 feet) on roads and sustained grades limited to 7% or less.
  - Currently reviewing geotechnical and soils report.
- Planning/Zoning
  - Need notarized authorization from current landowner.
  - Need proof of utilities.
  - Review of geotechnical and soils report.

### Findings:

Based on the analysis of the preliminary subdivision plat and a survey of surrounding area, staff concludes the following:

1. With conditions outlined in the recommendation section of the staff report, the preliminary subdivision plat will comply with the preliminary subdivision regulations of Box Elder County, after all of the comments are satisfied.

### RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, staff recommends the Planning Commission APPROVE of the Preliminary Plat subject to the following conditions:

1. Compliance with all County Staff reviews and comments.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development



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Code.

4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve application number SS19-037, a preliminary plat for the Brookside Ranches Subdivision, located at approximately 13300 North East Garland Road (4400 West) in the East Garland area of unincorporated Box Elder County, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

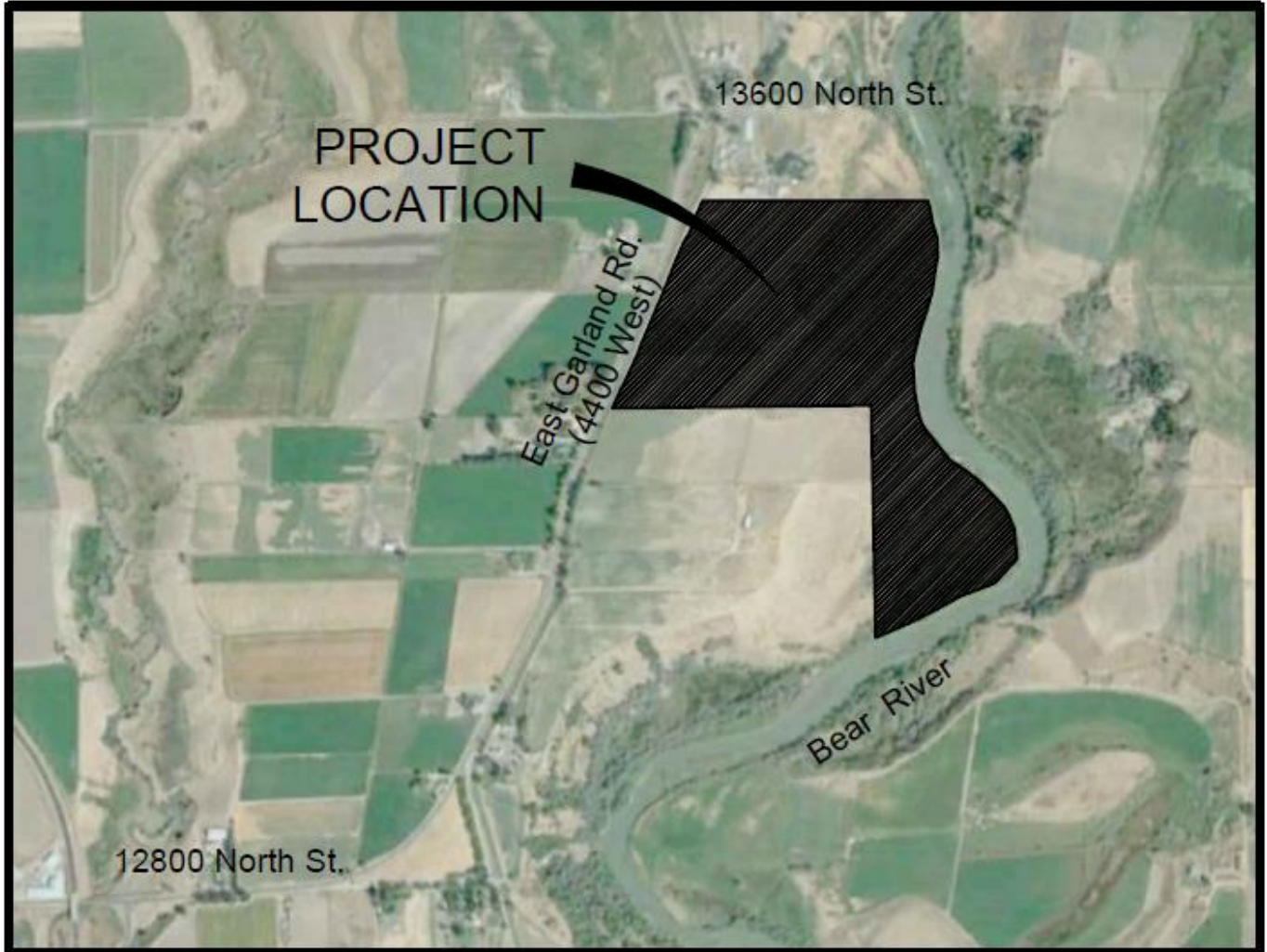
**Table** – “I move the Planning Commission table the review of application number SS19-037, a preliminary plat for the Brookside Ranches Subdivision, located at approximately 13300 North East Garland Road (4400 West) in the East Garland area of unincorporated Box Elder County, to (give date), based on the following findings:”

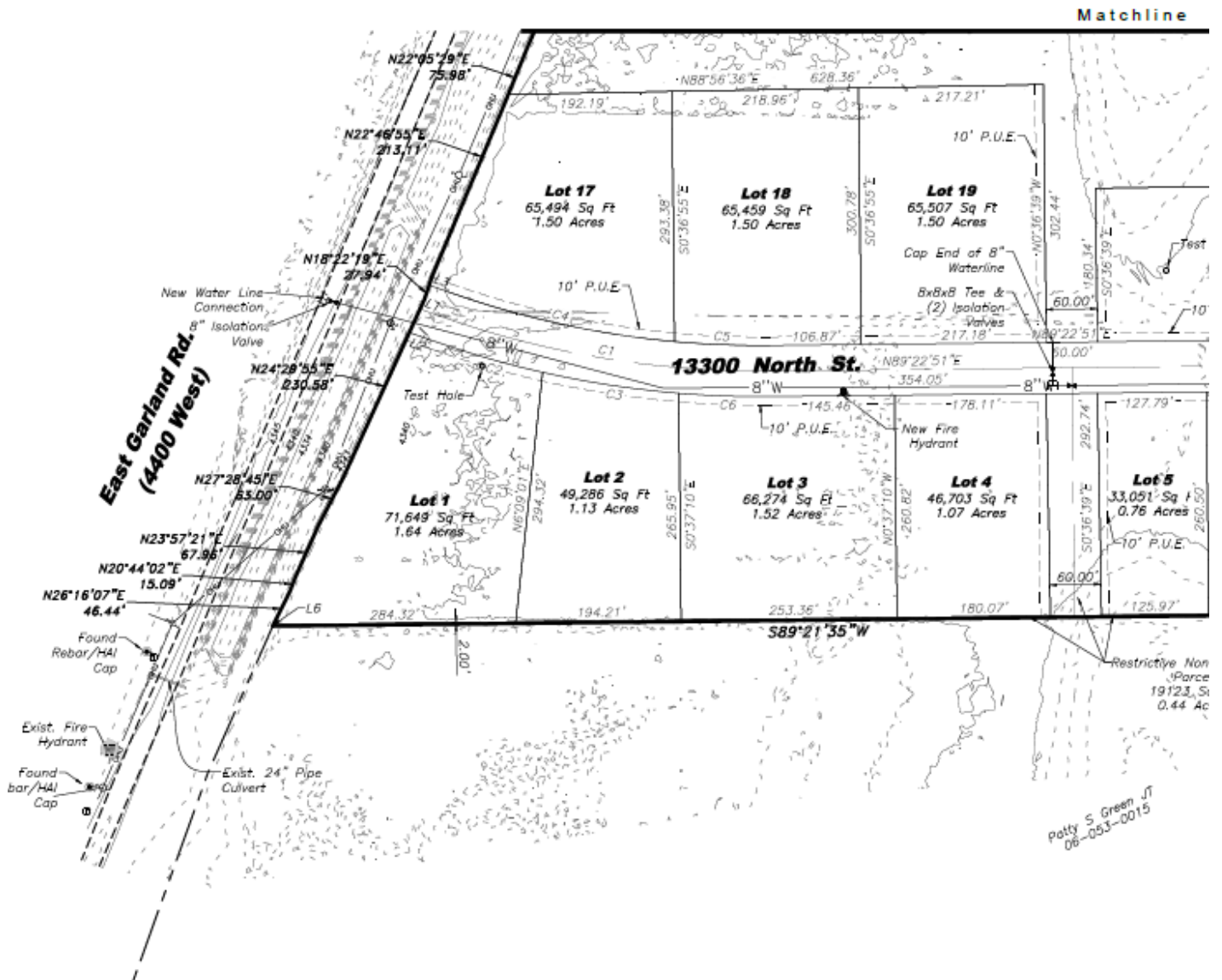
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

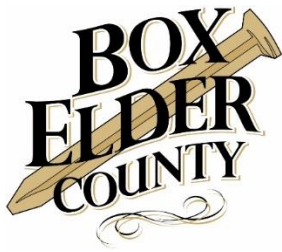
**Denial** – “I move the Planning Commission deny application number SS19-037, a preliminary plat for the Brookside Ranches Subdivision, located at approximately 13300 North East Garland Road (4400 West) in the East Garland area of unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

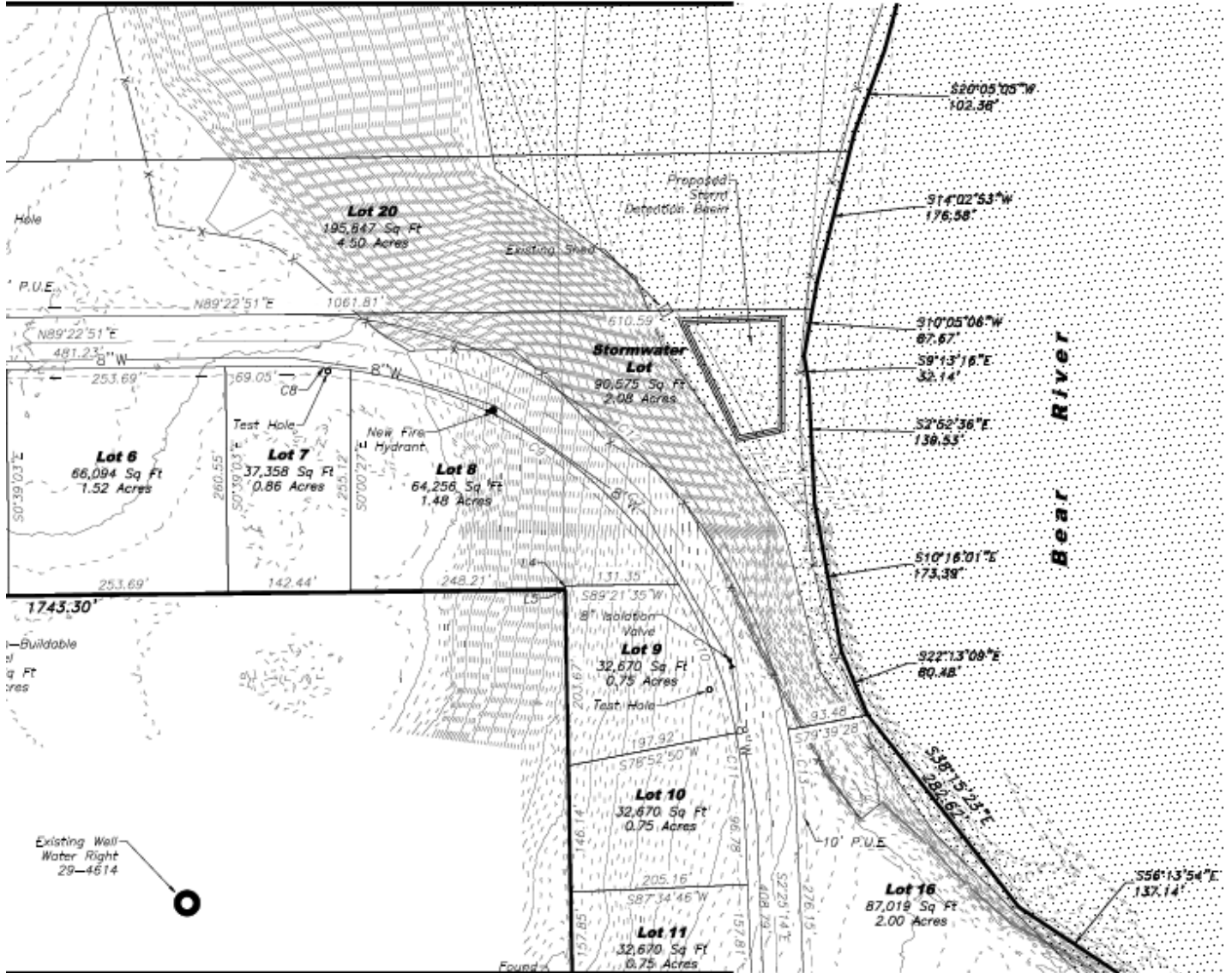
Please feel free to contact Scott Lyons at 435-734-3316 with any questions.







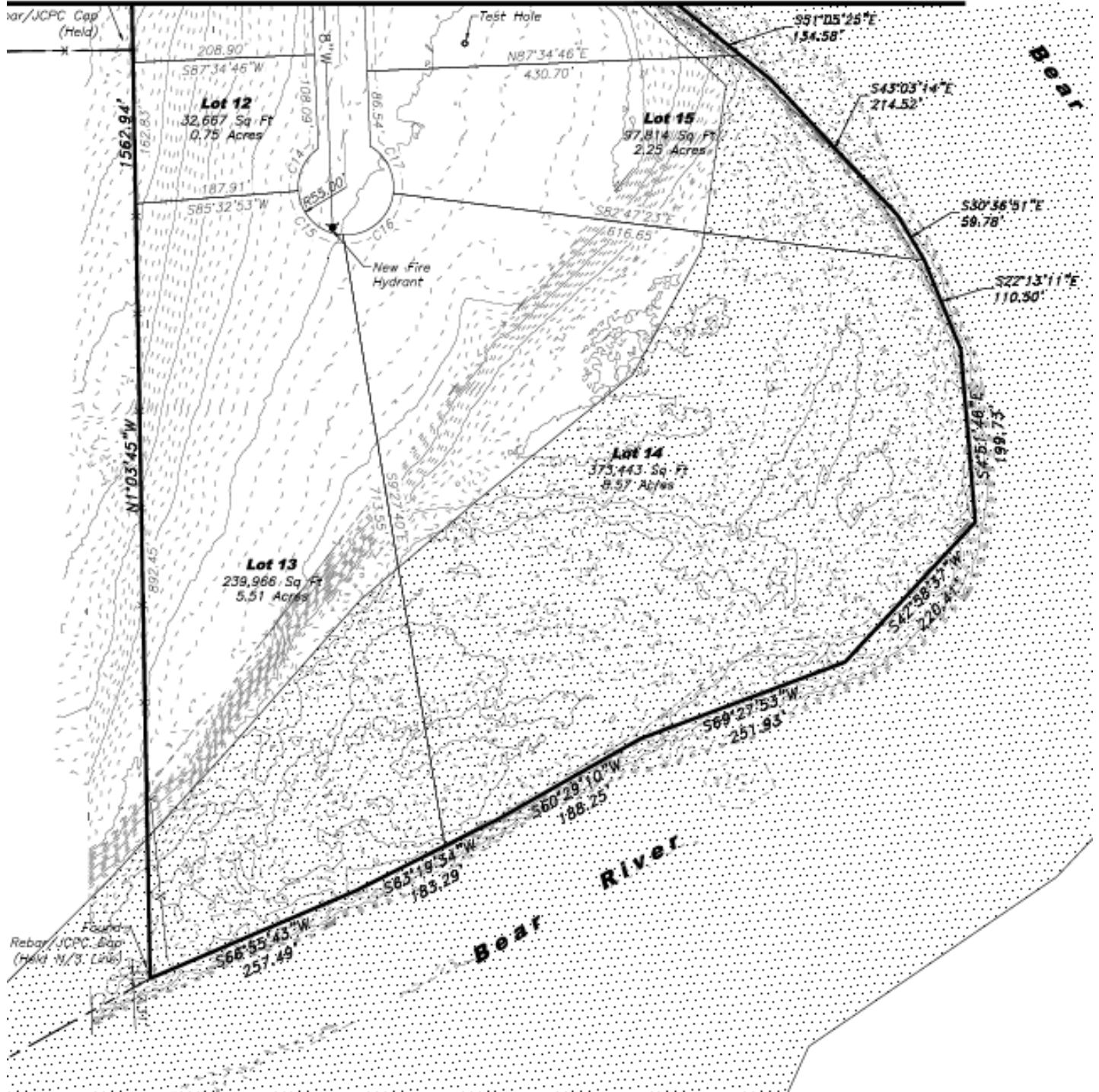
Sheet 1



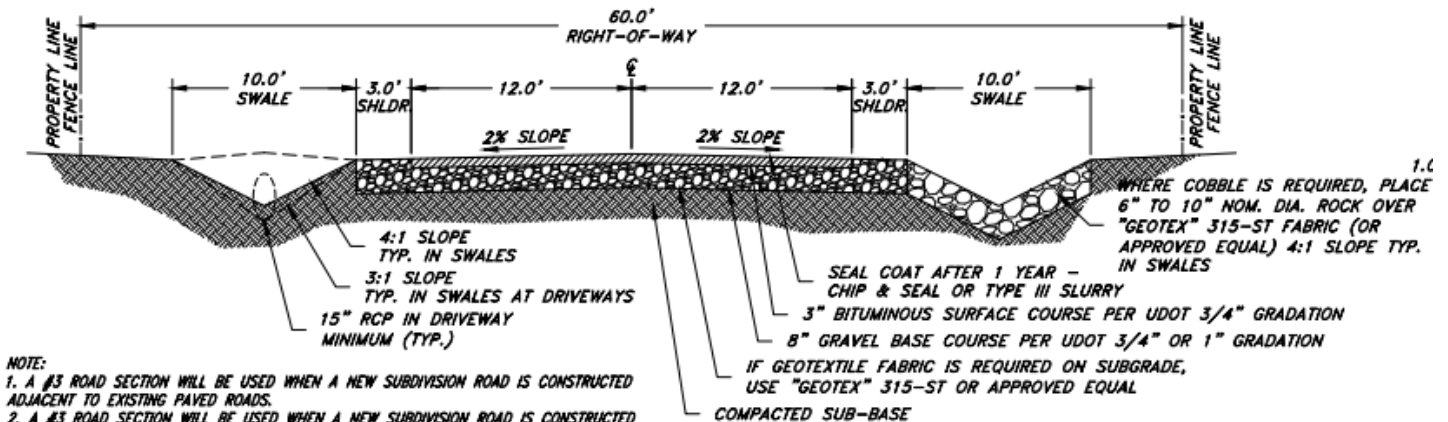
Sheet 3



Matchline Sheet 2

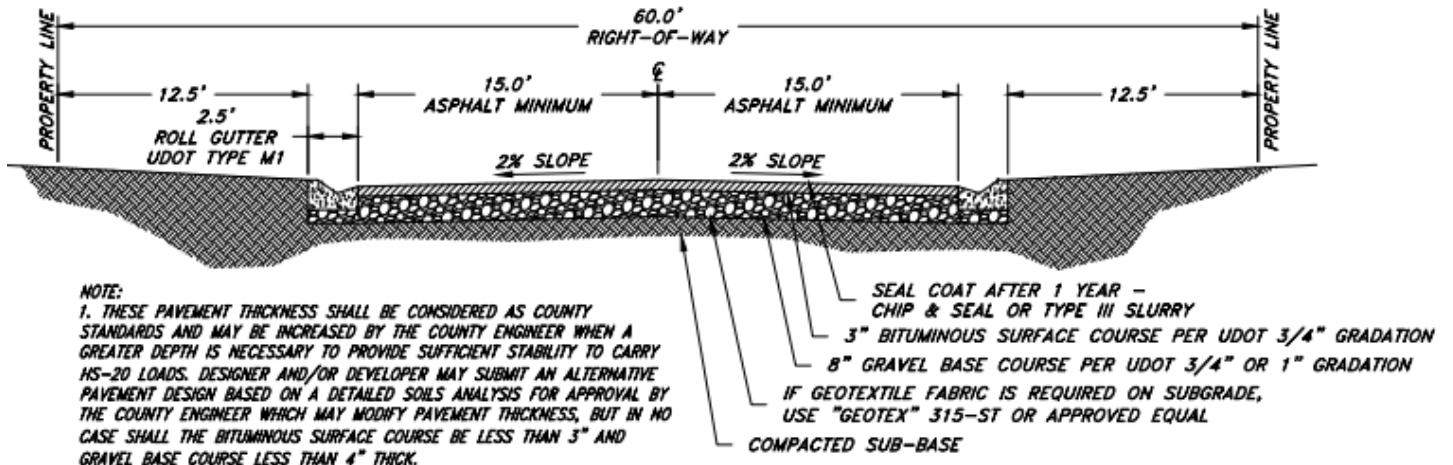


**#3 ROAD SECTION**  
**STANDARD PAVED PUBLIC ROAD**



- NOTE:
1. A #3 ROAD SECTION WILL BE USED WHEN A NEW SUBDIVISION ROAD IS CONSTRUCTED ADJACENT TO EXISTING PAVED ROADS.
  2. A #3 ROAD SECTION WILL BE USED WHEN A NEW SUBDIVISION ROAD IS CONSTRUCTED ADJACENT TO AN EXISTING UNPAVED COUNTY ROAD, IS WITHIN 1/2 MILE OF AN EXISTING PAVED ROAD, AND THE COUNTY HAS PLANS TO PAVE THE CONNECTING ROAD WITHIN THE NEXT 3 YEARS.
  3. SUBDIVISION LOTS TO BE 1 ACRE OR LARGER.

**#4 ROAD SECTION**  
**STANDARD PAVED PUBLIC ROAD**  
**APPLIES WHERE LOTS ARE 1 ACRE OR LARGER**



- NOTE:
1. THESE PAVEMENT THICKNESS SHALL BE CONSIDERED AS COUNTY STANDARDS AND MAY BE INCREASED BY THE COUNTY ENGINEER WHEN A GREATER DEPTH IS NECESSARY TO PROVIDE SUFFICIENT STABILITY TO CARRY HS-20 LOADS. DESIGNER AND/OR DEVELOPER MAY SUBMIT AN ALTERNATIVE PAVEMENT DESIGN BASED ON A DETAILED SOILS ANALYSIS FOR APPROVAL BY THE COUNTY ENGINEER WHICH MAY MODIFY PAVEMENT THICKNESS, BUT IN NO CASE SHALL THE BITUMINOUS SURFACE COURSE BE LESS THAN 3" AND GRAVEL BASE COURSE LESS THAN 4" THICK.





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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: December 19, 2019

Agenda Item #: 7c

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**Application Type:**  
Agricultural Subdivision

**APPLICANT(S):**  
Thomas Jensen

**PROJECT #:**  
AS19-008

**ORDINANCE:**  
State Code 12-27a-605(1)(5)

**TYPE OF APPLICATION:**  
Administrative

**REPORT BY:**  
Marcus Wager,  
County Planner

### **BACKGROUND**

The applicant is requesting an agricultural subdivision to separate a single family dwelling located at approximately 12030 West 8000 North in the Thatcher/Penrose area from agricultural ground. The subdivision would create a 1.22 acre residential parcel and a 25.76 acre agricultural parcel. The applicants parcel was created (before the applicant owned it) by entry #: 234232 on September 25, 2006 – which is after the 1993 date that that State put into place subdivision ordinances. Therefore this parcel is considered to be illegal or rather it was split up in a manner contrary to State Code.

### **ANALYSIS**

**State Code:**

Utah State Code Section 12-27a-605(1)(5) allows subdivisions to be exempt from plat requirements as long as they include agricultural land, a single family dwelling, and an ordinance is enacted at the County Commission level following Planning Commission approval.

### **Land Use Ordinance Standards Review:**

Utah State Code 17-27a-605(1)(5) outlines the following standards for review for agricultural subdivisions.

#### **17-27a-605(1)(b) the proposed subdivision:**

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;**  
Yes.
- B. Has been approved by the culinary water authority and the sanitary sewer authority;**  
Yes.
- C. Is located in a zoned area; and**  
Yes.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.**  
Yes.



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**17-27a-605(5)(a)**

**A. The parcel contains an existing legal single family dwelling unit;**

Yes.

**B. The subdivision results in two parcels, one of which is agricultural land;**

Yes.

**C. The parcel of agricultural land:**

- a. Qualifies as land in agricultural use under Section 59-2-502; and
- b. Is not used, and will not be used, for a nonagricultural purpose;

Yes.

**D. Both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and**

Yes.

**E. The owner of record completes, signs, and records with the county recorder a notice:**

- a. Describing the parcel of agricultural land by legal description; and
- b. Stating that the parcel of agricultural land is created as land in agricultural use, as defined in Section 59-2-502, and will remain as land in agricultural use until a future zone change permits another use.

*This is done with the Certificate of Approval from the Planning Commission.*

**FINDINGS:**

Based on the analysis of the agricultural subdivision application, staff concludes the following:

1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval of an ordinance by the County Commission with approval from the Planning Commission as well.
2. It is staff's opinion that the proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(5) of the Utah State Code.



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## **RECOMMENDATION**

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS19-008 the Jensen Agricultural Subdivision.**

## **MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve application number AS19-008, an agricultural subdivision with a single family dwelling, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – “I move the Planning Commission table application number AS19-008, an agricultural subdivision with a single family dwelling, to (give date), based on the following findings:”

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission deny application number AS19-008, an agricultural subdivision with a single family dwelling, based on the following findings:”

1. List findings for denial...

Please feel free to contact Marcus Wager at 435-734-3308 if you have any questions.



Parcel to be left as Agricultural ground.  
This parcel would be 25.76 acres.

Parcel to be split off from Ag land.  
This parcel would be 1.22 acres.



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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: December 19, 2019  
Agenda Item #: 7d

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**Application Type:**  
Agricultural Subdivision

**APPLICANT(S):**  
Stefanie Tugaw-Madsen

**PROJECT #:**  
AS19-009

**ORDINANCE:**  
State Code 12-27a-605

**TYPE OF APPLICATION:**  
Administrative

**REPORT BY:**  
Scott Lyons,  
Comm. Dev. Director

### **BACKGROUND**

The applicant is requesting an agricultural subdivision to separate seven acres off of a larger parcel located at approximately 4564 North 6800 West (Iowa String Road) in an un-zoned area of Unincorporated Box Elder County. This process would create a legal agricultural parcel.

### **ANALYSIS**

#### **State Code:**

Utah State Code Section 12-27a-605 allows subdivisions to be exempt from plat requirements as long as they include agricultural land and Planning Commission approval.

#### **Land Use Ordinance Standards Review:**

Utah State Code 17-27a-605(1)(b) and (2)(a)(ii) outlines the following standards for review for agricultural subdivisions.

#### **17-27a-605(1)(b) the proposed subdivision:**

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;**  
Yes.
- B. Has been approved by the culinary water authority and the sanitary sewer authority;**  
Yes.
- C. Is located in a zoned area; and**  
Yes.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.**  
Yes.

#### **(2)(a)(ii) the new owner of record completes, signs, and records with the county recorder a notice:**

- A. describing the parcel by legal description; and**
- B. stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.**

*This document has been prepared and will be recorded following approval of this application.*



---

### **FINDINGS:**

Based on the analysis of the agricultural subdivision application, staff concludes the following:

1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval from the Planning Commission.
2. It is staff's opinion that the proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(b) and (2)(a)(ii) of the Utah State Code.

### **RECOMMENDATION**

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS19-009.**

### **MODEL MOTIONS**

**Approval** – "I move the Planning Commission approve application number AS19-009, an agricultural subdivision, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

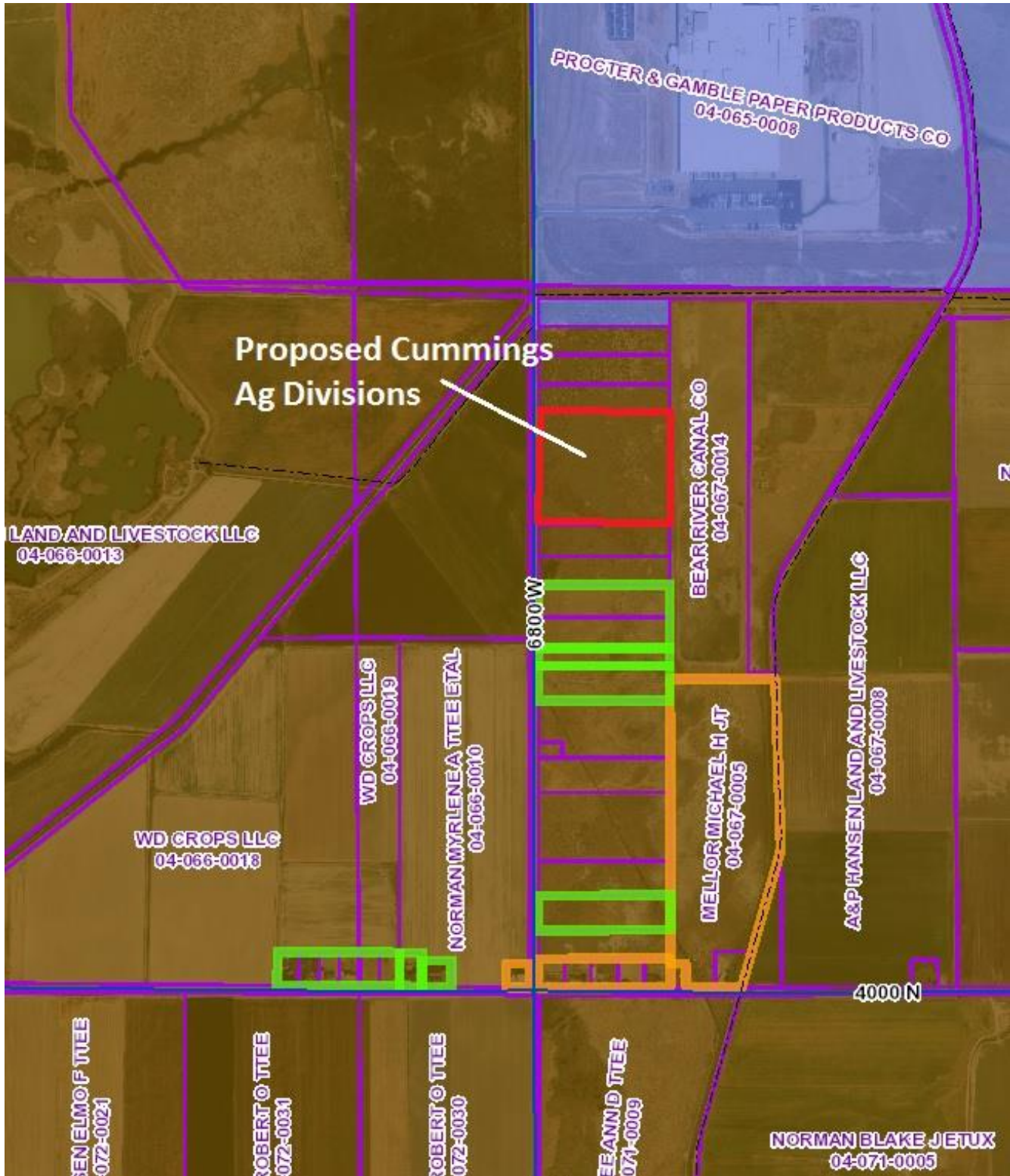
**Table** – "I move the Planning Commission table application number AS19-009, an agricultural subdivision, to (give date), based on the following findings:"

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – "I move the Planning Commission deny application number AS19-009, an agricultural subdivision, based on the following findings:"

1. List findings for denial...

Please feel free to contact Scott Lyons at 435-734-3316 if you have any questions.





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## PLANNING COMMISSION STAFF REPORT

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Meeting Date: December 19, 2019

Agenda Item #: 7e

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**Application Type:**

Agricultural Subdivision

**APPLICANT(S):**

Stefanie Tugaw-Madsen

**PROJECT #:**

AS19-010

**ORDINANCE:**

State Code 12-27a-605

**TYPE OF APPLICATION:**

Administrative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting an agricultural subdivision to separate 5.5 acres off of a larger parcel located at approximately 4598 North 6800 West (Iowa String Road) in an un-zoned area of unincorporated Box Elder County. This process would create a legal agricultural parcel.

**ANALYSIS**

**State Code:**

Utah State Code Section 12-27a-605 allows subdivisions to be exempt from plat requirements as long as they include agricultural land and Planning Commission approval.

**Land Use Ordinance Standards Review:**

Utah State Code 17-27a-605(1)(b) and (2)(a)(ii) outlines the following standards for review for agricultural subdivisions.

**17-27a-605(1)(b) the proposed subdivision:**

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;**  
Yes.
- B. Has been approved by the culinary water authority and the sanitary sewer authority;**  
Yes.
- C. Is located in a zoned area; and**  
Yes.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.**  
Yes.

**(2)(a)(ii) the new owner of record completes, signs, and records with the county recorder a notice:**

- A. describing the parcel by legal description; and**
- B. stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.**

*This document has been prepared and will be recorded following approval of this application.*





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### **FINDINGS:**

Based on the analysis of the agricultural subdivision application, staff concludes the following:

1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval from the Planning Commission.
2. It is staff's opinion that the proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(b) and (2)(a)(ii) of the Utah State Code.

### **RECOMMENDATION**

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS19-010.**

### **MODEL MOTIONS**

**Approval** – “I move the Planning Commission approve application number AS19-010, an agricultural subdivision, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

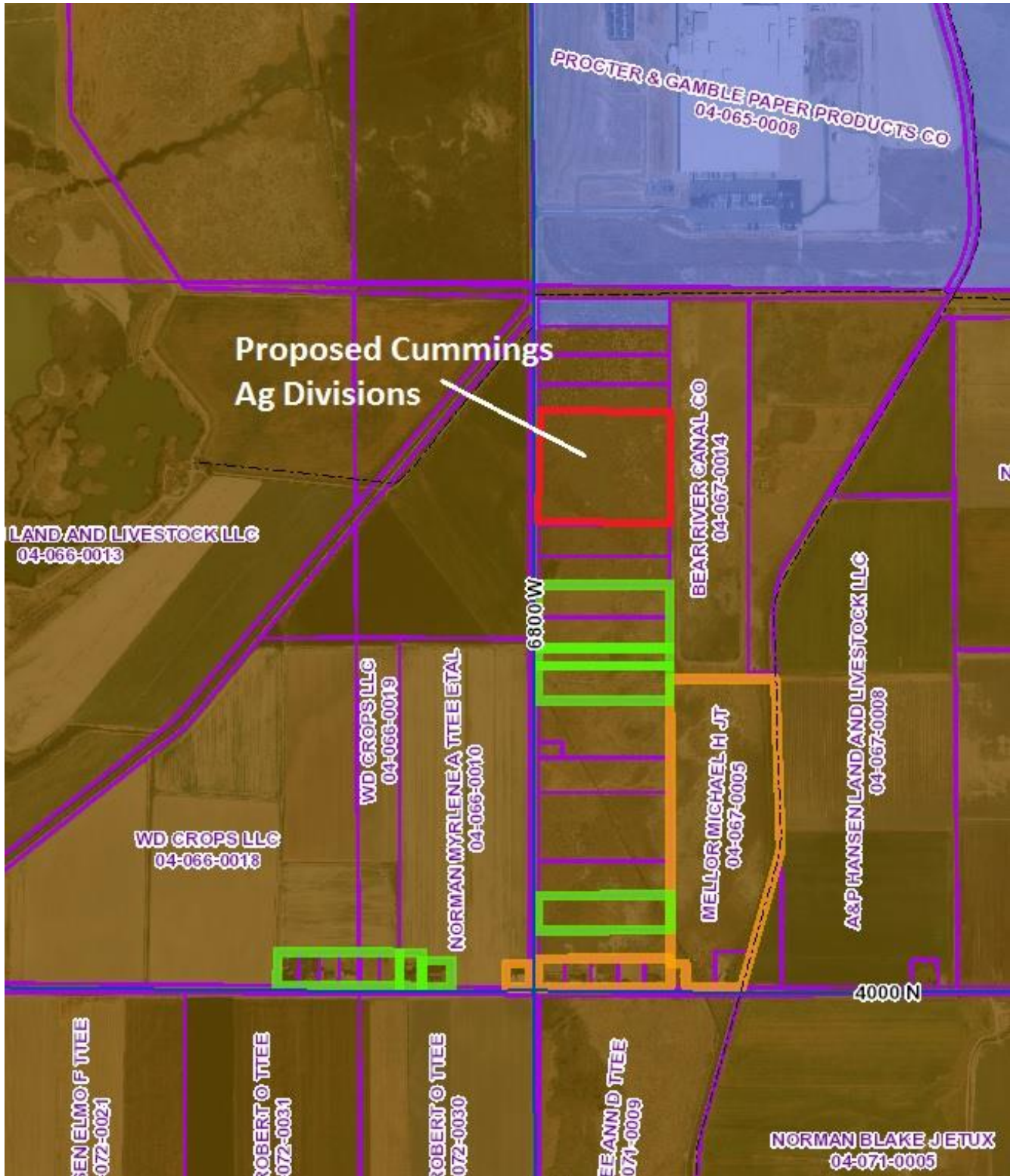
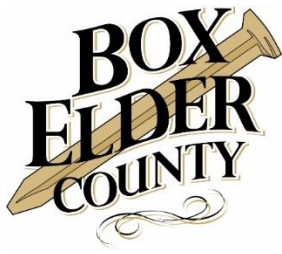
**Table** – “I move the Planning Commission table application number AS19-010, an agricultural subdivision, to (give date), based on the following findings:”

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – “I move the Planning Commission deny application number AS19-010, an agricultural subdivision, based on the following findings:”

1. List findings for denial...

Please feel free to contact Scott Lyons at 435-734-3316 if you have any questions.





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# PLANNING COMMISSION

## STAFF REPORT

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Meeting Date: December 19, 2019

Agenda Item #: 7f

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**Application Type:**  
Agricultural Subdivision

**APPLICANT(S):**  
Stefanie Tugaw-Madsen

**PROJECT #:**  
AS19-011

**ORDINANCE:**  
State Code 12-27a-605

**TYPE OF APPLICATION:**  
Administrative

**REPORT BY:**  
Scott Lyons,  
Comm. Dev. Director

### **BACKGROUND**

The applicant is requesting an agricultural subdivision to separate seven acres off of a larger parcel located at approximately 4636 North 6800 West (Iowa String Road) in an un-zoned area of unincorporated Box Elder County. This process would create a legal agricultural parcel.

### **ANALYSIS**

#### **State Code:**

Utah State Code Section 12-27a-605 allows subdivisions to be exempt from plat requirements as long as they include agricultural land and Planning Commission approval.

#### **Land Use Ordinance Standards Review:**

Utah State Code 17-27a-605(1)(b) and (2)(a)(ii) outlines the following standards for review for agricultural subdivisions.

#### **17-27a-605(1)(b) the proposed subdivision:**

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;**  
Yes.
- B. Has been approved by the culinary water authority and the sanitary sewer authority;**  
Yes.
- C. Is located in a zoned area; and**  
Yes.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.**  
Yes.

#### **(2)(a)(ii) the new owner of record completes, signs, and records with the county recorder a notice:**

- A. describing the parcel by legal description; and**
- B. stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.**

*This document has been prepared and will be recorded following approval of this application.*



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### **FINDINGS:**

Based on the analysis of the agricultural subdivision application, staff concludes the following:

1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval from the Planning Commission.
2. It is staff's opinion that the proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(b) and (2)(a)(ii) of the Utah State Code.

### **RECOMMENDATION**

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS19-011.**

### **MODEL MOTIONS**

**Approval** – "I move the Planning Commission approve application number AS19-011, an agricultural subdivision, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

**Table** – "I move the Planning Commission table application number AS19-011, an agricultural subdivision, to (give date), based on the following findings:"

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – "I move the Planning Commission deny application number AS19-011, an agricultural subdivision, based on the following findings:"

1. List findings for denial...

Please feel free to contact Scott Lyons at 435-734-3316 if you have any questions.

